

Increasing cloudiness and warmer with probably showers to-day.

Highest temperature yesterday, 58; lowest, 39. Detailed weather reports will be found on editorial page.

VOL. LXXXVII.—NO. 76—DAILY.

## THE NEW YORK HERALD

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NEW YORK, TUESDAY, NOVEMBER 14, 1922.—ENTERED AS SECOND CLASS MATTER.

PRICE TWO CENTS

THREE CENTS WITHIN 200 MILES

FOUR CENTS ELSEWHERE

U. S. SUPREME COURT  
HOLDS NO JAPANESE  
CAN BECOME CITIZEN

Decides Naturalization Is Limited to Caucasians and Africans.

## INTERPRETS 1906 ACT

Rules Congress Did Not Intend to Lift Restrictions in Revised Statutes.

## CONSIDERS TWO CASES

Denies One Man Is 'White,' Calls Naturalization of Two Others Illegal.

WASHINGTON, Nov. 13.—The Supreme Court of the United States decided today that Japanese cannot be naturalized in the United States and cannot become citizens of this country.

It was the court's first construction of Federal statutes bearing on the subject, and the decision was the first delivered by Justice Sutherland as a member of the court. It was handed down in a case brought by Takao Ozawa, who in 1914 applied for citizenship in Hawaii. No reference was made to the "gentlemen's agreement," under which Japanese immigration into the country has been regulated.

The Government did not object to the argument of the case when it was reached at this term, and the court advised and heard at the same time the case brought by Takao Yamashita and Charles Hio Kono, against the Secretary of State of Washington.

## Naturalized Illegally.

In the latter case the two Japanese had been naturalized by a superior court of Washington prior to 1906, the date of the present Federal naturalization statute, and at a time when it was conceded section 2169 of the Revised Statutes, which restricted naturalization to "free white persons" and those of African birth or descent, was in full force.

In the Ozawa case the court stated there is no implied—either in the legislation or in our interpretation of it—any suggestion of individual unworthiness or racial inferiority. It is a matter of race, and not of individual merit. It also referred to the "complementary" terms used in describing in the papers presented to the court "the culture and enlightenment of the Japanese people." With such an estimate, the court said, it had "no reason to disagree." Such matters, however, Justice Sutherland would not enter into the decision of the case.

"We have no function in the matter," he said, "other than to ascertain the will of Congress and declare it."

## Restricting Section Upheld.

The two questions decided were whether the general naturalization act of June 29, 1906, was limited by the provisions of section 2169 of the Revised Statutes, authorizing the naturalization of "free white persons" and those of African birth and descent, and whether, if so limited, Japanese were eligible for citizenship. The court held that section 2169 was in full force, and that under it Japanese could not obtain citizenship in this country.

The court stated that "in all of the naturalization acts from 1790 to 1906, the privilege of naturalization was granted to white persons, with the addition in 1870 of those of African birth and descent, although the exact wording of the various statutes was not always the same."

"Congress in 1906," it added, "desired to alter a rule so well and so long established it may be assumed that its purpose would have been definitely to amend its legislation to that end and put in unmistakable terms."

## Interpret Intent of Congress.

Declaring that it is the duty of the court to give effect to the intent of Congress, the opinion determined the intent "by giving the words their natural significance." Emphasizing the long history of the restriction to white persons, the court found it "inconceivable that a rule in force from the beginning of the Government, a part of our history, and one of our laws, would be excluded by that term in the subsequent administration of the statute."

Having ascertained whom Congress intended to include "the law" followed, the court added, "as a necessary corollary that all others are to be excluded."

In discussing the phrase "free white persons," as it appears in the statute, the court said:

Only White and Black Included.

"It is not enough," it added, "to say that the framers of the law did not have in mind the brown or yellow races of Asia. It is necessary to go further and be able to say that had these particular races been suggested the language of the act would have been so varied as to include them within its privileges."

If it is assumed that the opinion of the framers was that the only persons who would fall outside the designation 'whites' were negroes and Indians, this would go no further than to demonstrate their lack of sufficient information to enable them to foresee as precisely who would be excluded by that term in the subsequent administration of the statute."

Continued on Page Two.

DEWEY'S "DEW-TONE" TONIC. Blood, Nerve and Body Builders. Sold only at 125 Fulton st., N. Y. C.—44c.

Theatrical and Hotel and Restaurant. Advertising will be found on Page 5—44c.

BILL MAKES MURDERER  
OF POISON RUM SELLER

A BILL providing that the seller of liquor that kills a person who drinks it shall be adjudged guilty of murder will be introduced on behalf of the Anti-Saloon League of New York at the coming session of the Legislature. Orville S. Poland, general counsel for the league, said that, although the present statutory definition of murder in this State is broad enough to cover such cases, the league proposes that there shall be no possible doubt.

William H. Anderson, State superintendent of the league, before going last night to Philadelphia, said:

"This bill is especially directed at the unscrupulous foreigner who has gone into the preparation and indiscriminate peddling of poison for profit. The fact that with all of this bootleg murder the deaths from alcoholism in New York city and State are far below the number shown by the records for the last seven years of the license period is no reason why those who are guilty should escape."

WALKING CHALK LINE  
TO BE TRAFFIC RULE

Public Service Bureau Begins Central Park Elephant Is Operation With Appeal to 6,000 Pounds of Helplessness Out in Cold.

MOTORISTS FACING CURB WHISKY ANIMATES HER

Regulatory Methods Used in Other Cities Are Proposed City Keepers Lack Impelling Force to Get the Animal Through Her Door.

New York will wake up some of these days to find nice little runways chalked down wherever there are street intersections and traffic problems. Ladies and gentlemen in haste will have to walk inside these chalk lines (they will really be painted) lines or tell the judge why. This is being done in other cities, and here and there they are quite rough about it when pedestrians refuse to walk the chalk line and walk themselves into the hospital. It looks now as if this city is about to follow suit.

At all events it is one of the corrective measures under consideration by the Bureau of Public Safety, the newest branch of the Police Department, which opened for business yesterday. Opened for business right, for it is going to be the busiest little bureau in North America, and points west. Its job is to put an end to a state of recklessness in the public streets which sends 25,000 persons to the hospitals and which kills 3,500 of them every year. It can be done—that is, the deaths can be reduced to a quarter or a fifth, or even less, of the present number, and the total number of accidents and injuries can be cut from 25,000 to probably 3,000 or 4,000. So the experts figure as they reckon what that saving would mean in human happiness and economic benefit.

## Bossing His New Police Job Is

Commissioner, Barron Collier, and Mr. Collier has the expert services of a staff that is going into the work with a very real enthusiasm and a determination to get results. The most experienced expert of the staff is Marcus Dow, who is in charge of the Bureau of Public Safety when Mr. Collier is away. Since the latter is a busy man, this is often, and Mr. Dow can be considered the working head of the bureau. It was he who received a reporter for THE NEW YORK HERALD yesterday and discussed plans and prospects.

"For ten years," said Mr. Dow, "I was director of safety for the New York Central Railroad. At present I am president of the National Safety Council, which has 3,500 industries employing 7,000,000 men in its membership. With this background of experience I say outright that New York City's traffic presents the biggest safety problem in the world. The shape of our streets, the congestion of one part of a vast city being the workshop of three or four states, the strange haste which seems to seize people here and make them mad, combined with many other factors, present a problem of baffling perplexity. But it has got to be solved and we are going to do the job if it is humanly possible. Cooperation is essential to the success of the bureau, particularly the Police Department; from civic associations and business men generally; from the life insurance companies and from several other intelligent sources."

Working Out Plans.

"We have got to stop a state of affairs that kills 3,500 people every year and injures more or less seriously about 25,000. At the present moment we are just getting up momentum. We are working out preliminary plans and policies. We are building up a great

Continued on Page Three.

Paramount Scraps Fatty Arbuckle  
Pictures Worth \$2,000,000 a Year

Roscoe (Fatty) Arbuckle's film career is at an end, at least so far as Paramount Pictures Corporation is concerned. This company, which is the releasing branch of Famous Players-Lasky, has been the distributor of Arbuckle's pictures for the last few years since he became a star under the management of Joseph M. Schenck.

It was learned at the New York headquarters of Famous Players-Lasky, 485 Fifth avenue, yesterday that Paramount has definitely decided to scrap Arbuckle's last pictures, unreleased at the time of his trial in connection with the death of Virginia Rapp, and would make no further effort to exploit these pictures, but definitely discard them as such dead wood.

The pictures concerned are "Gasoline Gus," "Freight Prepaid" and "Lean Year." They were held in advance during Arbuckle's trial. When he was discharged Adolph Zukor announced in the middle of April that the pictures would be put on the market, because

Continued on Page Six.

THREE CENTS WITHIN 200 MILES

FOUR CENTS ELSEWHERE

HALL CASE ORDERED  
TO JURY ON MONDAY;  
NEGRESS IS BARRED

Fifty Witnesses Summoned for Hearing Do Not Include Mrs. Russell.

## WIDOW MAY BE HEARD

Mrs. Gibson Still Has Confidence of Prosecutor and Says Nothing.

## HENRY CARPENDER IS ILL

Somerville Session Postponed From Thursday—Case Fully Outlined by Mott.

SPECIAL DISPATCH TO THE NEW YORK HERALD. NEW BRUNSWICK, Nov. 13.—Consideration of the murder of the Rev. Edward W. Hall and Mrs. Eleanor Mills by the Somerset County Grand Jury will begin at 10 o'clock on Monday morning at Somerville. More than fifty witnesses will be examined. It is possible that Mrs. Frances Stevens Hall, widow of the victim, who has made a request to be heard, will be examined.

Definite announcement was made today by Wilbur A. Mott, Special Deputy Attorney-General, that the Grand Jury would meet on Thursday. Then Mr. Mott went home. A little later Prosecutor Azariah Beekman remembered that a new Sheriff of Somerset county is to take office tomorrow and decided that the whole county machinery would be upset thereby.

So Beekman called Mott on the telephone and another delay resulted, the presentation being put over from Thursday to Monday, by which time Henry Carpendar is ill.

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Stored Coal Taken from  
Mrs. J. P. Morgan's Home

NEWBURGH, Nov. 13.—William R. Perkins, Orange County Fuel Administrator, today began distribution among residents of Highland Falls of 353 tons of coal which he said was seized on the estate of Mrs. J. Pierpont Morgan in this village. Investigation of complaints that only eighty-five tons of coal had been received in Highland Falls in three months, Mr. Perkins said, disclosed that 433 tons had been delivered to the Morgan estate. This was removed.

STRIKERS THREATEN  
RAIL FREIGHT TIUP

Walkout in Sympathy for 240 Handlers at Newark to Be Decided To-morrow.

## PENNSYLVANIA UNAFRAID

Trouble at Waverly Transfer Over Alleged Wrong of Extra Sunday Work.

Two hundred and forty freight handlers at the Waverly transfer of the Pennsylvania Railroad, near Newark, quit yesterday morning because they said the company refused to credit them with working a week ago Sunday by giving them an extra day off.

Officials of the Brotherhood of Railroad and Steamship Clerks, Freight Handlers, Express and Station Employees predicted that before last midnight the movement of freight in and out of New York harbor would be stopped, but nothing of the sort happened.

Later J. H. Chapman, general representative of the brotherhood, said its decision to call out its members in New York harbor had been reconsidered and that work would not be halted to-day. Whether the city is in danger of a sympathetic strike will be decided to-morrow afternoon at the Hotel Continental at a meeting of the general managers of the union boards of the various railroad lines operating into New York.

Mr. Chapman said that about 5,000 employees in all may be called out, but that a far greater number would be affected, as the freight handlers are the first to work both days. Half of the men handle New York's domestic freight.

It was said that if a strike resulted from to-morrow's meeting the date would be far enough ahead to allow time for arbitration.

W. E. Packer, assistant general chairman of the Pennsylvania Railroad branch of the union, said the company violated its agreement with the men to work on Sunday, November 5, and that it further proved its faith by refusing to grant an additional day off during the strike.

The men thought they would be off last Saturday and Sunday, but they were requested to work both days. Half of the men failed to appear Sunday. They were suspended, and the rest, making a total of 240, walked out in sympathy.

The New York division of the Pennsylvania Railroad would recruit new platform men to replace those who walked out to work both days. The men said it is highly improbable that the strike will spread through the system of the Pennsylvania Railroad or affect the city's business.

Hattie Russell, a woman who was arrested in connection with the movement in New York harbor, whether affiliated workers will walk out and the strike assume larger proportions, and that was the last hope. The insurance will take care of my debts. I would be surprised if you knew how much courage it takes to do a thing like this. Your loving brother, Jesse."

## "No Other Remedy."

The letter to his wife was inclosed in an envelope ready for posting, but was not sealed. In German he had addressed it to "Mrs. Carl von Bergen Wassermann, Rust aut. Ettlingheim, Baden, Germany." The letter within the envelope was written in English and, in part, it said:

"Dear Carla:

"I am going to jump this life in a few minutes. I wish to say goodbye. I have nothing left to live for. You are constantly saying that I am a coward. Well, if there is a hereafter, All will be over in a few minutes. I can see no other remedy."

The letter, according to one of the physicians, then went on to tell of Wassermann's life and his love for his wife. Continued on Page Three.

RODMAN WANAMAKER  
BECOMES SERIOUSLY ILL

Philadelphia Physician Summoned for Consultation.

Rodman Wanamaker, Special Deputy Police Commissioner, commanding the reserve, is very ill in his home at 12 Washington street. He was taken to the hospital yesterday morning. The nature of his illness could not be ascertained, but it is so serious that a Dr. Rodman of Philadelphia has been summoned for consultation with the Wanamaker family physician here. Four policemen of the Mercer street station have been stationed day and night in the vicinity of the home to divert heavy traffic and to protect the patient against street noises. A regular traffic policeman is on special duty in front of the house.

Mr. Wanamaker was ill aboard ship when returning a month ago from Europe. The police reserve had arranged a reception for him down the bay.

J. A. WASSERMANN  
ENDS HIS LIFE WITH  
PISTOL IN BATHTUB

Housemaid Finds Wounded Banker Still Breathing.

## BARES FINANCE ILLS

Note Attributes Deed to That and Difficulty With His Wife.

## SMOKED WHEN IN WATER

Writes to Brother of Courage One Needs to Commit Suicide.

Jesse A. Wassermann, member of the banking firm of Wassermann Bros., of 42 Broadway, committed suicide early yesterday by shooting himself through the mouth as he lay in a partly filled bathtub in his apartment at 29 East Eighty-third street.

He was found by a maid who had come to clean the apartment. He died yesterday afternoon without regaining consciousness. Two notes left by Mr. Wassermann indicated that financial troubles and his estrangement from his wife were the motives which caused him to take his life.

Mr. Wassermann was 33 years old. He was in business with his uncle, Jesse Wassermann of 200 West Fifty-seventh street, and Arthur Stiner, as a partner in the firm at 42 Broadway. He lived alone in the apartment in Eighty-third street. Since divorcing his wife he had taken little interest in society.

Although the shooting was done some time yesterday morning between seven and nine o'clock, Mr. Wassermann still was alive when discovered by Mrs. Winifred O'Malley, a maid, and John Owens, superintendent of the building, and lived until nearly 2:30 o'clock yesterday afternoon. Mrs. C. Ward Crampin and Hadley T. Cannon, both having offices in the same building, and Wassermann's family physician, Dr. Edwin Steinberger of 55 West Forty-ninth street, worked all day, but could not save him.

## Leaves Two Notes.

Beside the tub was an ash tray on which were nearly two score cigarette stubs. In the bathtub was a pistol from which one shot had been fired. The bullet went through Wassermann's mouth and head, tearing a piece of plaster from the wall. The police were notified late in the afternoon. Dr. T. A. Gonzales of the Medical Examiner's office examined the body and said it was a plain case of suicide.

The two notes left by Wassermann—one addressed to his brother Edward at 5 East Forty-fifth street and the other to Mrs. Carl von Bergen Wassermann, his divorced wife, who is now in Baden, Germany—told of the banker's decision to take his life, said that he "could stand it no longer" and that he had experienced both financial troubles and loneliness for his wife. The letter to his brother, written on Lotte Club stationery, said in part:

"I have no ambition in life. I have stood it over a year and can stand it no longer. I was turned down yesterday and that was my last hope. The insurance will take care of my debts. I would be surprised if you knew how much courage it takes to do a thing like this. Your loving brother, Jesse."

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Stry Old Army Horse Defeats  
Sixty Best Jumpers at Show

An old war horse was the hero of the thirty-seventh National Horse Show which opened yesterday morning in Squadron A Armory. He is Moses, a big red chestnut, who did his bit in the world war.

With the French army Moses learned to jump. In 1918 the United States Government bought him. Yesterday he proved that he is the jumping champion of the world. In the jumping class, open to all, he defeated sixty of the best jumpers that could be gathered together, including at least a dozen which previously had earned the title of champion. Moses represented the Cavalry School at Fort Riley, Kansas, and was ridden by Major J. A. Barry.

Moses is a soldier of fortune and has served under three flags. Although the horse was bought in France Major Barry is sure the old fellow is Irish bred. He is ten years old and weighs 1,600 pounds. He might be twelve or he might be twenty. No pedigree came with him and he's beyond the age at which a veterinary can tell his years by examining his teeth. But he's a robust fellow and shows no signs of going to the glue factory yet. He prances around like a three-year-old colt before going into the arena, and while making his rounds of the obstacles he displays the agility of a youngster.

According to Major Barry, Moses is improving with age. After Uncle Sam bought him for a few francs from the

Berlin Landlord Wants  
Rent; Shuts Up Embassy

SPECIAL CABLE TO THE NEW YORK HERALD. Copyright, 1922, by THE NEW YORK HERALD. New York Herald Bureau, Berlin, Nov. 13. The diplomatists attached to the Rumanian Embassy, on arriving there this morning found the door bricked up and a threatening landlord outside to tell them they could not enter until six months' rental in arrears had been paid. The landlord said he had tried every means to collect the rental since June, but always had been refused to somebody else. Last night he hired a gang of bricklayers, who effectively closed up the entire building.

CRAIG PREDICTS CITY  
CONTROL OF TRANSIT

Comptroller Sees End of Commission at Hands of Legislature.

## WANTS LOCAL POWERS

Board of Estimate Must Have Cooperation in Building System, His View.

Comptroller Charles L. Craig, at the conclusion of a talk last night before the West End Association in the Hotel Ansonia, made the prediction that one of the first acts of the new Legislature would be to abolish the present Transit Commission and to place future transit control and construction in the hands of the city administration.

Mr. Craig, who for nearly a year discussed "The Rapid Transit Situation," said:

"Just what it may do beyond that I do not know, but I hope and believe it will adopt a bill which already is drafted and which turns over all the present functions of the State Transit Commission to a commissioner who will be part of the regular city administration. That is where the whole subject properly belongs."

Comptroller Craig's prediction was a continuation of reports published by THE NEW YORK HERALD last Friday to the effect that Mayor Hylan and his associates advocate the creation of a Department of Municipal Transit, at the head of which is to be a commissioner of the Mayor's selection. Gossip has advanced for that post the name of John H. Delaney, whom Al Smith, while Governor, appointed Transit Commissioner and who now is Mayor Hylan's Commissioner of Docks and Fisheries.

The present transit situation, the Comptroller said, represents a struggle for continued control by private interests of the city's transit system, which by city money and against that demand stands the city's elected authority.

"We of the Board of Estimate," said the speaker, "have disapproved every plan for new subway construction submitted to us by the Transit Commission mainly because every one of its projected new lines was so planned as to be a detriment to the city's transit system, which are already operated either by the Interborough or the Brooklyn Rapid Transit companies. They were projected only as extensions of those systems."

## Must Test Mayor's Plan.

Speaking of the so-called Mayor Hylan plan for new lines, the Comptroller said: "The Mayor in making his plan, did not consult members of the Board of Estimate. His plan will be subjected in time to the same acid test that has been applied to the Transit Commission's plan. What may be good in will be retained, and what is bad will go into the discard."

Mr. Craig said the so-called reorganization and unification plan worked out by the Transit Commission was for the purpose, through the operation of the barometric fund, of enabling the operating companies to exact a greater share of the city's funds. To raise the rate of a single cent, he said, at the present rate of traffic, would impose upon the people a burden of \$25,000,000.

It is impossible for Lord Curzon to leave London before November 15th, election, although he suggested that he go immediately to either Paris or Lausanne and meet Mr. Poincare there. He is reluctant to hold any preliminary conference with the French Premier, however, long as the latter maintains the impossibility of writing out a definite program for the meeting with the Turks, to which program both sides would adhere, unitedly throughout the conference. It is believed here that Lord Curzon would be satisfied with a declaration that neither side would admit any other's consent. But when applied to the question of protection of minorities the French and the British views are understood to be so divergent at the present moment that Mr. Poincare is unwilling to give any binding pledge.

KEMALISTS TO FORCE  
DEMAND FOR CAPITAL

Angora Tells Rafet to Insist Allied Control Cease.

CONSTANTINOPLE, Nov. 13. (Associated Press).—From Angora comes the report that Rafet Pasha, the Nationalist Governor, has been instructed to press the demand for complete control of Constantinople without Allied interference.

The departure today for London of Col. Gribben, British Chief of Staff, and the decision of Sir Horace Rumbold, the British High Commissioner, to depart for Greece, and the fact that Mr. Poincare is unwilling to give any binding pledge, are interpreted as indicating an improvement in the situation. Nevertheless, a persistent impression prevails in some quarters that the French Premier, however, is not prepared to make any concession to the Allies, and that the capital peace is formally pronounced.

The allied authorities are considering the question of leaving Constantinople to the Greeks, and the fact that Mr. Poincare is unwilling to give any binding pledge, are interpreted as indicating an improvement in the situation. Nevertheless, a persistent impression prevails in some quarters that the French Premier, however, is not prepared to make any concession to the Allies, and that the capital peace is formally pronounced.

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TURK DANGER GROWS  
AS POWERS DISAGREE  
ON PEACE PROCEDURE

England Would Fix Program Before Council Opens at Lausanne.

## FRANCE AGAINST MOVE

Curzon Delays Visit to Paris Until After Elections To-morrow.

## FEAR MARTIAL LAW RULE

Believed Military Proclamation Might Prove Spark in Powder Magazine.

SPECIAL CABLE TO THE NEW YORK HERALD. Copyright, 1922, by THE NEW YORK HERALD. New York Herald Bureau, London, Nov. 13.

The minutiae of diplomacy may start a conflagration in the Near East. There is no essential difference between the British and French attitudes, according to the best information on both sides to-night. But the desire of Lord Curzon, British Foreign Secretary, to pin down Premier Poincare of France to an assurance that the Lausanne conference will not provide another incident like Chanak, whence the French forces were withdrawn at a critical moment, together with Mr. Poincare's determination to go to Lausanne with a free hand, and the consequent delay of the conference, is making the situation every moment more dangerous in Constantinople.

The news from there to-night is that, while the allied generals seem to have shown the Turks that it is the better part of valor to be discreet for the moment, such discretion may vanish when some incident provokes the strained tempers of either side any day.

Split on Military Law.

It is still not clear to official circles here just what difference exists between the British and French views on the other allied powers of Constantinople. Some of Gen. Harrington's soldiers were killed and, what is more important, he has more available. "The French force was smaller and one report here is that the French, while agreeing in principle to the proclamation of a state of siege, insisted that it should not be proclaimed unless there were adequate forces in hand to carry it out. They wanted reinforcements sent immediately, which Paris refused."

This account of what happened, however, must be taken with the utmost reserve. Nevertheless it is true that many authorities believe proclamation of military law in Constantinople at this moment would be a serious mistake. The French, however, must be taken with the utmost reserve. Nevertheless it is true that many authorities believe proclamation of military law in Constantinople at this moment would be a serious mistake.